

PREPARED REMARKS OF  
A MINNEAPOLIS SPECIAL AGENT

BEFORE THE  
SELECT COMMITTEE ON INTELLIGENCE  
UNITED STATES SENATE  
AND THE  
PERMANENT SELECT COMMITTEE ON INTELLIGENCE  
HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2002

Messrs. Chairmen, members of the Committees, I appreciate your invitation to appear before your Committees today in connection with your Joint Inquiry into the tragic events of September 11, 2001. I fully understand the responsibility with which you have been charged.

From July 2001 through October 2001, I was assigned as the Acting Supervisory Special Agent for the Minneapolis Field Office's Counterterrorism Squad, which included responsibility for the Joint Terrorism Task Force. I was acting in that capacity on August 15, 2001, when the Minneapolis Field Office opened an intelligence investigation predicated upon the receipt of information concerning the suspicious activities of Zacarias Moussaoui. I continued to supervise this matter beyond September 11, 2001.

From the time of receipt of the initial information and continuing after September 11, 2001, Minneapolis aggressively pursued the investigation of Moussaoui, resulting in the collection of a significant amount of information of investigative interest. The investigation

was a coordinated effort involving Minneapolis, FBI Headquarters, other FBI Field Offices, FBI Legal Attache Offices, the Immigration and Naturalization Service and other members of the United States Intelligence Community. Based upon conversations between Minneapolis and FBI Headquarters, the decision was made to open this matter as an intelligence verses a criminal investigation. This was based upon the understanding that if Minneapolis pursued this as an intelligence matter, Minneapolis still had the option of opening a parallel criminal case. If it was pursued as a criminal matter, we would not have the option of using certain intelligence gathering techniques, such as those available under the Foreign Intelligence Surveillance Act.

During the approximately three weeks preceding September 11, 2001 and following those events, Minneapolis communicated extensively with FBI Headquarters via FBI written communications, telephone conversations and numerous emails. The purpose of these conversations was to attempt to obtain FISA search warrants for Moussaoui's personal effects and his residence and to discuss other case related logistics.

The Minneapolis Field Office experienced great frustration during the investigation and while navigating the FISA process. Some of the frustration can be attributed to the FISA law, some can be attributed to FBI Headquarters and some may be attributed to the circumstances of this case. Attorney General Ashcroft and Director Mueller have initiated procedures to address some of the frustrations which Minneapolis experienced concerning the application of the FISA statute.

What has been lost in the media and during this inquiry process is that it is the same FBI, which has been criticized extensively since September 11, 2001, that conducted the

investigation resulting in the indictment of Zacarias Moussaoui. We are subject to human factors and limitations and are occasionally hamstrung by legal constraints, both real and imagined. FBI field and HQ personnel were, prior to September 11, 2001 and remain today committed to the prevention of terrorist acts.

As you know, there is an ongoing Capital prosecution in the Eastern District of Virginia against Zacarias Moussaoui, with the Defendant's jury scheduled to be selected beginning in December, 2002. Because of this and as an employee of the Department of Justice, I am bound by Local Rule 57, which prohibits prejudicial pre-trial publicity to protect the Constitutional trial rights of Criminal defendants. For example, I am prohibited from discussing 1) the existence or contents of any statement given by the Defendant or failure of the Defendant to make a statement, 2) character and/or reputation of the Defendant, 3) identity, testimony or credibility of any prospective witness or witnesses and 4) any opinion as to the Defendant's guilt or innocence or as to the merits of the case or evidence or anything else that would interfere with a fair trial. Therefore, I may be unable to answer some of your questions in an Open Session, but I am prepared to answer all of your questions in a Closed Session.